

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 14TH JUNE 2007 / 24TH JY AISHTA 1929

WP(C).No. 17905 of 2007(F)

PETITIONER:

DINESHKUMAR N.,
NHERACHALIL, P.O.KOKKALLUR, BALUSSERY (VIA),
KOZHIKODE DISTRICT, NOW WORKING AS H.S.A.
SOCIAL SCIENCE, PALORA HIGHER SECONDARY SCHOOL,
ULLIYERI P.O., KOYILANDY, KOZHIKODE DISTRICT.

BY ADV. SRI.T.K.MARTHANDAN UNNITHAN
SRI.V.JAYAKUMAR

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
3. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.
4. THE DISTRICT EDUCATIONAL OFFICER,
VADAKARA, KOZHIKODE DISTRICT.
5. THE MANAGER,
PALORA HIGHER SECONDARY SCHOOL, ULLIYIRI P.O.,
VADAKARA, KOZHIKODE DISTRICT.
6. C.K.RADHAKRISHNAN,
HIGH SCHOOL ASSISTANT, PALORA HIGHER SECONDARY
SCHOOL, P.O.ULLIYERI, VADAKARA,
KOZHIKODE DISTRICT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Dated this the 14th day of June, 2007.

J U D G M E N T

The order under challenge is admittedly amenable to appeal under the provisions contained in the Kerala Education Act and the Rules. Learned counsel submits that petitioner is prepared to take recourse to that remedy. His only grievance is that the authority which passed Ext.P10 order had not adverted to Ext.P9 judgment rendered by a Division Bench of this court. If it had been done, the situation might have been totally different, it is contended. Any how, nothing prevents the petitioner to alert the appellate authority and place Ext.P9 judgment before him, so that an appropriate decision in the matter can be taken.

Therefore the writ petition is disposed of with liberty to the petitioner to pursue the remedies available to him in accordance with law . If the petitioner prefers the appeal within two weeks from today, it shall be entertained by the appellate authority and an appropriate decision thereon shall be taken strictly on its merit and in accordance with law as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner, the Manager and all other teachers who are likely to be affected by any order that may be passed by the appellate authority, shall be afforded sufficient opportunity to be heard before any decision is taken in the matter.

**A.K. Basheer
Judge.**

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